

Town Board Minutes

April 5, 2004

Meeting No. 12

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 5th day of April 2004, at 6:30 PM and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, DEPUTY TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE
TIM HORTON’S RESTAURANT SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Tim Horton’s Restaurant site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled “Part 2 Project Impacts and Their Magnitude” which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER STEMPNIAK, WHO MOVED
ITS ADOPTION, SECONDED BY PLANNING BOARD
MEMBER KORZENIEWSKI, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
TIM HORTON’S RESTAURANT SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an Unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately .72± acres.

The location of the premises being reviewed is situate at 496 Harris Hill Road, County of Erie, Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate impact on threatened or endangered species.
It is noted that there may be pesticide or herbicide applied for lawn and garden care.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
It is noted that this site was once a gas station with underground tanks; the tanks, however, have been removed.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.

14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will have a small to moderate impact on existing transportation systems; however the impact can be mitigated by project modification.
It is noted that:
 - The site plan approval restricts left hand turns from the project site onto Harris Hill Road.
 - There will be stacking for nineteen (19) vehicles.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action may have a small to moderate impact on the character of the existing community.
It is noted that:
 - The project may create a demand for additional police and fire services.
 - There may be an increase in employment.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s_____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

April 5, 2004

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

April 5, 2004

IN THE MATTER OF THE SEQR REVIEW OF

PARKHAVEN PATIO HOMES

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Parkhaven Patio Homes matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled “Part 2 Project Impacts and Their Magnitude” which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the following Positive Declaration be adopted:

NOTICE OF DETERMINATION

PARKHAVEN PATIO HOMES

POSITIVE DECLARATION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an Unlisted action, through its designated Municipal Review Committee, and that committee having found significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Positive Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 12± acres.

The location of the premises being reviewed is situate on Bowen Road, County of Erie, Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action may result in a potentially large physical change to the project site.

It is noted that:

- Construction will be on land where the depth to the water table is less than three (3) feet.
- Construction may continue for more than one (1) year.
- Construction may be in or near a flood plain or floodway thus creating the potential for a large impact. The Municipal Review Committee will review the engineering report to make a determination.

The Municipal Review Committee has requested a copy of the Federal Emergency Management Agency's (FEMA) Flood Plain Study of Cayuga Creek for the area beginning at the Lancaster Village line and ending eastward at Bowen Road. The study was prepared by the petitioner's consulting engineering.

2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action may have a small to moderate impact on a water body designated as protected.
It is noted that construction may occur in a designated freshwater or tidal wetland.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.

It is noted that:

- a.) State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.
 - b.) Anticipated water usage is 24,750± gallons per day.
 - c.) There is a great potential for siltation or other discharge into an existing body of water to the extent that there will be an obvious contrast to natural conditions.
6. The proposed action may have a small to moderate impact on drainage flow patterns or surface water runoff.
It is noted that the project may change flood water flow.
 7. The proposed action will not affect air quality.
 8. The proposed action may have a small to moderate impact on threatened or endangered species.

It is noted that pesticide or herbicide may be applied for lawn care purposes.

9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.

It is noted that a hedgerow or similar vegetative screening buffer will be required along the County Park area to the south project area.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.

It is noted that the Planning Board has required “T” turnarounds on all property fronting on Bowen Road and that the subject property has a stub road to the west side or in the event that the property to the west is developed connectivity to that property via a roadway will be required.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action may have a small to moderate impact on the character of the existing community.
 - a.) It is noted that there may be an increase in demand for school, police and fire services.
 - b.) The project may increase employment during construction.
20. There is likely to be public controversy related to potential adverse environmental impacts.

SEAL

April 5, 2004
and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Positive Declaration" Notice of Determination of Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Positive Declaration" Notice of Determination of Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Positive Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

April 5, 2004

ADJOURNMENT:

ON MOTION OF PLANNING BOARD CHAIRMAN KEYSA AND
SECONDED BY COUNCIL MEMBER STEMPNIAK FOR ADJOURNMENT OF THE
MEETING, on roll, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:23 P.M.

Signed _____
Johanna M. Coleman, Town Clerk